

1
2 PADAM KUMAR KHANNA
2600 Tenth Street
Berkeley, CA. 94710
3

4 Tel: 1-510-524-6181
Fax: 1-510-524-6765

5 EMail: pkhanna@pacbell.net
6 *Pro Se*

FILED

DEC 14 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

7 UNITED STATES DISTRCIT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10
11 PADAM KUMAR KHANNA,

12 Plaintiff,

13 vs.

14 JAGJIT SINGH RANDHAWA , BALJIT
15 RANDHAWA,

16 Defendants.

17
18
19
20
21
22
23 Case No: C-07-5136 EEC CW
24
25
26
27
28 **OBJECTIONS TO REPORT AND
RECOMMENDATIONS OF
MAGISTRATE JUDGE EDWARD CHEN
RE PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT**

23 Plaintiff filed a Complaint for money damages against State Bar of California, State Bar
24 Court Judge, McElroy, Deputy Trial Counsel, Albertsen-Murray, State Bar investigator
25 Verstegen, Jagjit Randhawa and Baljit Randhawa for money damages under 42 U.S.C. 1983 for
26 six counts of violation of his civil rights. All counts raised federal questions. 1) Fifth
27 Amendment –fair trial. See Compl. 52-64, 2) Fourteenth Amendment – Due Process, both
28 Procedural and Substantive. Compl 65-69, 3) 42 U.S.C. 1985(2) – Conspiracy to violate civil

1 rights. 70-72, 4) Fourteenth Amendment – Equal Protection. Compl. 70-72, 5). 18 U.S.C. 1621 –
2 Perjury. 75-86, 6) Sixth Amendment –Right to Counsel. Compl. 87-89.

3 On July 24, 2007, plaintiff obtained an entry of default against Randhawa.

4 On August 7, 2007 Judge Chen on his own motion severed the claims of Jagjit Randhawa
5 and Baljit Randhawa (Collectively ‘Randhawas’) following a brief telephone conversation with
6 plaintiff and Mr. Mark Torres-Gil, representing only the State Bar defendants. No appearance
7 was made by Randhawas. Randhawas refused to follow orders of the court despite proper
8 service of Summon and Complaint by a process server and neither filed any responsive pleadings
9 as to the complaint nor signed and filed the Consent Order for Judge Chen to try the case. Mr.
10 Torres-Gil representing all State Bar defendants filed a Motion to Dismiss in place of answers
11 and filed the Consent Order.

12 In the telephone conversation between Judge Chen, Mr. Torres-Gil and Plaintiff,
13 Judge Chen stated that he was going to sever the claims against Randhawas because the
14 Randhawas had not filed the Consent Order which prohibited him to proceed.

15 Judge Chen decided to sever the claims for two reasons: One for the case to
16 proceed against the State Bar defendants quickly and two for economic and judicial
17 efficiency. Both plaintiff and Mr. Torres-Gil agreed about the severance. Judge Chen
18 also stated that he would immediately assign the case re Randhawas to a District Court
19 judge and Mr. Khanna, the plaintiff, would be hearing directly from the assigned district
20 judge soon.

21 As of August 21, 2007, the date of hearing of the Motion to Dismiss filed by the
22 State Bar defendants, plaintiff had not received any Notice of Impending Reassignment
23 to a United States District Judge. Judge Chen had not filed his Report and
24 Recommendations re severance and default judgment prior to the hearings on State Bar
25 defendants’ Motion to Dismiss.

26 Hearing on defendants State Bar’s Motion to Dismiss was held on August 22,
27 2007.

OBJECTION NUMBER ONE

RECUSAL OF MAGISTRATE JUDGE CHEN

Plaintiff, respectfully states that Judge Chen should have recused himself from Filing a Report and Recommendation Re Plaintiff's Motion for Default Judgment against Jagjit Randhawa and Baljit Randhawa under 28 U.S.C. Section 455, Disqualification of Justice, Judge, or Magistrate which states:

“a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or a personal knowledge of disputed evidentiary facts concerning the proceeding; ..”

Judge Chen was fully cognizant of the fact that he had a clear conflict of interest and carried a personal bias and prejudice against plaintiff because of the following reasons:

1. Judge Chen was the Magistrate Judge in case *Khanna v. State Bar of California et.al*, 505 F. Supp. 2d 633 (N.D. Cal. 2007) (No. C07-2587 EMC) wherein both Jagjit Singh Randhawa (Jagjit) and Baljit Randhawa (Baljit) were also the defendants. On his own motion before the hearing on defendant State Bar's Motion to Dismiss, Judge Chen, severed Plaintiff's claims against defendants Jagjit Singh Randhawa and Baljit Randhawa. See *Order Severing Plaintiff's Claims Against Defendants Jagjit Singh Randhawa and Baljit Randhawa*. As such he had personal knowledge of disputed evidentiary facts concerning the proceedings.

2. During the half hour period of hearing held on August 22, 2007, Judge Chen showed and clearly exhibited bias and prejudice against plaintiff. There were numerous incidents during this brief period where Honorable Judge Chen's tone and inflections were condescending and appear to demean plaintiff's integrity. Plaintiff fully honored the dignity of

1 the bench and accorded all due respect to the judge and the position he occupied. However,
 2 plaintiff felt quite intimidated and nervous as it was obvious that the judge was biased and
 3 prejudicial. Plaintiff's ethnicity is that of East Indian descent and judge Chen's ethnicity is
 4 probably Chinese. As there is an age old animosity between people of Chinese origin and Indian
 5 origin, the racial and ethnicity issue did cross plaintiff's mind. It could be plaintiff's nervousness
 6 and/ or figment of his imagination, or may be he is paranoid, but plaintiff did believe that there
 7 was bias and prejudice present. (Plaintiff does apologize for entertaining such thoughts). A clear
 8 example of Judge Chen's attitude against plaintiff' was during the arguments where plaintiff
 9 tried to explain that the Ninth Circuit Court *Hirsh* case might be in conflict with U.S. Supreme
 10 Court's case *Keeler v. State Bar*. Judge Chen got angry, interrupted plaintiff and remanded
 11 plaintiff that he was talking to a trial court lawyer. (That's what plaintiff believes was said but
 12 the Transcript of the proceedings indicates, " You are talking to a Trial Court Level." *Page 14 of*
 13 *the Transcript of Proceedings*. In another instance Judge Chen's tone was very angry and it
 14 appeared that he had decided to punish plaintiff for no apparent reason.
 15
 16

17 3. It was also obvious that the outcome of the Motion to Dismiss would be granted.
 18 That's acceptable, legal and very much within his discretion. However, Judge Chen appeared to
 19 be enjoying by subtly punishing plaintiff. Plaintiff did mention that he is being punished. See
 20 *Page 24, Lines 20-21 of the Transcript of Proceedings*.
 21

22 4. Recusal or disqualification was further warranted as Judge Chen had ALREADY
 23 GRANTED defendant State Bar's Motion to Dismiss with prejudice (emphasis added)¹.
 24

25 He had first hand personal knowledge of the disputed facts. He did not pay any attention
 26 to the NEW EVIDENCE submitted with the complaint. Though damage has already been done
 27 and his decision has been appealed to the Ninth Circuit Court of Appeal, plaintiff believes that
 28

¹ See *Freeman v. Oakland U.S.D.* (Docket No. 9816860) (9th Cir. 1999) where the Court ordered the district court to modify its Order from "dismissed with prejudice to "dismiss without prejudice so that plaintiff could pursue his remedies in the State Court.

1 said "Recommendations" should have been submitted PRIOR to the hearing and therefore,
 2 should be disregarded and the District Court should assess the Motion to Enter Default *de novo*.
 3

4 U.S. Supreme Court has explained, "[t]he very purpose of [section] 455(a) is to promote
 5 confidence in the judiciary by avoiding even the appearance of impropriety." *Liljeberg v. Health
 Services Acquisition Corp.*, 486 U.S. 847 at 858-62 (1988).
 6

7 **OBJECTION NUMBER TWO**

8 **DEFAULT JUDGMENT AND *EITEL* FACTORS**

9
 10 Plaintiff has been unable to find a single Supreme Court or U.S. Court of Appeals case
 11 which denies Default Judgment by Court where the defendants have blatantly defied court
 12 orders, summons, and various requests to make an appearance. There are cases where
 13 defendants have petitioned the Court for vacating default judgment after it has been entered. The
 14 case in point is *Eitel v. McCool*, 782 F.2d 1470, which has been prominently cited by Judge
 15 Chen. In that case NO disregard for the complaint and summons was made. Responsive
 16 pleading was filed and the Court took into consideration responses made by McCool. Here there
 17 is a total disregard for court orders. Judge Chen has acted as defense lawyer for Jagjit and Baljit
 18 and has advanced some very scholarly and interesting but inapplicable theories.

19 Judge Chen advances two novel theories in his report wherein he argues that two factors
 20 enumerated by *Eitel* Court, namely the merits of plaintiff's substantive claim and the sufficiency
 21 of the complaint.

22 a) Private Right of action for violation of a federal criminal statute:

23 Judge Chen depending considerably on *Cort v. Ash*, 422 U.S. 66 (1975), forcefully argues
 24 that a private right of action is not available under 18 U.S.C. § 1621 which is a criminal statute.
 25 Rept.¶¶ 5. He further argues that even the implied private rights of action through federal
 26 criminal statutes rarely arise and that there must be a statutory basis to make an inference that it
 27 exists. Judge Chen is misguided in this analysis. First the criminal statute, he has cited in *Cort
 28 v. Ash* is a 'bare' criminal statute which has no bearing on the perjury statute. It is a criminal

1 statute which prohibits corporations from making contributions or expenditures in connection
 2 with specified federal elections. This §601 should not and cannot be applied to other criminal
 3 statutes such as perjury 18 U.S.C. 1621, 1623. In *Cort, supra*, itself, the Supreme Court stated
 4 that clearly, provision of a criminal penalty does not necessarily preclude implication of a private
 5 cause of action for damages. *Wyandotte Transportation Co. v. United States*, 389 U.S. 191, 201 -
 6 202 (1967); see also *J. I. Case Co. v. Borak*, 377 U.S. 426, 434; *Texas & Pacific R. Co. v.*
 7 *Rigsby*, 214 U.S. 33,39-42 (1916). However, in *Wyandotte*, *Borak*, and *Rigsby* as there was at
 8 least a statutory basis for inferring that a civil cause of action of some sort lay in favor of
 9 someone. See, *Cort v. Ash*, 422 U.S. 66 at 80. Here in our case, there are numerous civil causes
 10 of action against the defendants – conspiracy, malicious prosecution, abuse of process,
 11 misrepresentation, fraud and intentional infliction of emotional distress to name a few.

12 Furthermore, it must be pointed out that in civil proceedings, most courts have applied
 13 18 U.S.C §1621 where it is apparent that the false statement is material. In *Kungys v. United*
 14 *States*, 485 U.S. 759 (1988), the Supreme Court set forth the primary definition of materiality for
 15 all false statement statutes. A false statement is material if it had a “natural tendency to
 16 influence, or was capable of influencing, the decision of the decision making body to which it
 17 was addressed.

18 The Ninth Circuit has clearly defined the issue of materiality in *United States v. Clark*,
 19 918 F. 2d 843 (1990). In *Clark*, the defendants had been charged and convicted under 18 U.S.C
 20 § 1621 as a result of false deposition testimony they provided during the course of their
 21 employment discrimination lawsuit against the Oakland Police Department. Id at 844-45. In
 22 their depositions, they falsely claimed that they had missed work due to illness on a particular
 23 occasion and denied that they had ever abused the department’s policy. The Court held that such
 24 false statements were material to the defendants’ **civil suit**, for a truthful answer could have
 25 influenced jury in deciding whether the defendants were disciplined for legitimate or
 26 discriminatory reasons. Id at 846-47.

27 Here it were the false statements of Jagjit and Baljit which were the primary reason for
 28 judge McElroy of the State Bar Court to rule against plaintiff. Judge McElroy emphasized 1)

1 that the monies Jagjit gave plaintiff was NOT transmitted to Indian company – Jagjit testimony,
 2) that Jagjit never received the stock certificate promised to him – Jagjit testimony, 3) that Jagjit
 3 never received any communication from the Indian company - therefore the company was sham
 4 and non-existent. These are some of these material statements. These were false and
 5 complainants knew them to be false. Plaintiff is enclosing documents which are duly attested,
 6 notarized and authenticated by the American Embassy in India which speak for themselves. See
 7 Exhibit A, Exhibit B, Exhibit C and Exhibit D.²

9 **OBJECTION NUMBER THREE**

10 **ABSOLUTE IMMUNITY FOR WITNESSES**

11 Judge Chen has made a grave error by designating Jagjit and Baljit as witnesses. They
 12 are not witnesses. They are complainants. They have filed a complaint under the penalty of
 13 perjury and under the laws of the State of California. State Bar attorney, Murray is pursuing
 14 Jagjit and Baljit's complaint. This is a State Bar Court trial. State Bar Court is not a Court of
 15 Law. It is *sui geniris*. *OBrien v. Jones*, 23 Cal. 4th 40, 999 P.2d 95 (2000), *In re Attorney*
 16 *Discipline System*, 19 Cal.4th 582 (1998), *In re Rose*, 22 Cal. 4th 430. Jagjit and Baljit are the
 17 real parties in interest. The common law doctrine of absolute immunity from civil liability does
 18 not extend to complainants who testify at the trial.

20 **OBJECTION NUMBER FOUR**

21 **FAILURE TO STATE ACTIONABLE CLAIM BY PLAINTIFF**

22 Judge Chen concentrates on the allegation of perjury ONLY against Jagjit and Baljit and
 23 totally ignores the main allegations and crux of the entire complaint. Plaintiff has stressed and
 24 emphasized the issues of conspiracy between Jagjit, Baljit, Murray and Verstegen to violate

26 ² These foreign documents are admissible in U.S. Courts. See *Societe National Industrielle Aerospatiale v. U.S.*
 27 *District Court*, 107 S. Ct. 2542 & N. 28 (1987). *Grand Jury Proceedings: The Bank of Nova Scotia II, In re*, 740
 28 F.2d 817 (11th Cir. 1984), cert. den., 469 U.S. 1106 (1985); 105 S. Ct. 778 (1985); *United States v. Bank of Nova*
Scotia I, 691 F.2d 1384 (11th Cir. 1982), cert. denied, 103 S. Ct. 3086 (1983); *Richmark Corp. v. Timber Falling*
Consultants, 959 F.2d 1468 (9th Cir. 1992); *In re Perrier Bottled Water Litigation*, 138 F.R.D. 348 (D. Conn.
 1991); *Reinsurance Co. v. Administratia Asigurarilor de Stat*, 902 F.2d 1275 (7th Cir. 1990); *In Re Grand Jury*
Proceedings Yanagihara, 709 F. Supp. 192 (C.D. Cal 1989);

1 various of his constitutional rights. This conspiracy is enmeshed, intertwined and central to
2 plaintiff's claim against Jagjit and Baljit. Commission of perjury by these two defendants is one
3 of the elements in furtherance of the scheme to deprive plaintiff of his liberty and property rights.
4 Prior to filing the Notice of Disciplinary Charges in June 2003, complainants undertook various
5 overt acts of falsifying records, fabricating documents, destroying material and crucial evidence
6 in *collusion* with the State Bar prosecutors and investigators. This scheme was solely intended to
7 get plaintiff disbarred wherein plaintiff would lose his license to practice law, thus depriving
8 plaintiff of his due process rights of liberty and property. There is more than sufficient evidence
9 now before the Court to convince any jury about this sinister scheme of complainants
10 accomplished in collusion with the prosecutor under 'color of state law' involving various
11 Business and Profession Code statutes and Rules of Procedure and Rules of Practice Before the
12 State Bar.

13 Judge Chen knows and is cognizant of the fact that plaintiff did suggest in his motion for
14 default judgment about Randhawas (Jagjit and Baljit) conspiring with the State Bar defendants to
15 violate his civil rights. See *Footnote 5, page 7 of the Report and Recommendation*.
16 However, by relying on the ruling of *Briscoe v. LaHue*, 460 U.S. 325 and *Franklin v. Terr*, 201
17 F. 3d 1098 1101 (9th Cir. 2000), Judge Chen dismissed conspiracy allegations against the
18 Randhawas by according them absolute immunity as witnesses. As stated this is incorrect,
19 inapplicable and prejudicial ruling. Judge Chen had known and knows that Jagjit Randhawa and
20 Baljit Randhawa are NOT witnesses. They are complainants.

21 Plaintiff 's main cause of action against Jagjit and Baljit is that of Conspiracy with
22 the State Bar prosecutors aimed at deprivation of his constitutional rights wherein
23 plaintiff was to be deprived of his constitutional rights of liberty and property by
24 subjecting him to disbarment. Complainants Jagjit and Baljit, in collusion with the State
25 Bar trial counsels, developed an illegal plot and scheme of violating his due process
26 rights (both procedural as well as substantive), violating his Equal Protection rights under
27 the Fourteenth Amendment, violating his due process rights, his constitutional rights of
28

1 liberty and property under the color of state law guaranteed under the Fourteenth
 2 Amendment.

3 Plaintiff would prove to the jury that both Jagjit and Baljit were absolutely
 4 responsible, both directly and indirectly, and instrumental in depriving plaintiff of his
 5 federally protected constitutional rights to a fair trial by submitting false documents and
 6 withholding crucial evidence.

7 Plaintiff heavily relies upon Justice Harlan's analysis in *Adickes v. Kress & Co.*,
 8 398 U.S. 144 (1970) wherein Justice Harlan laid down governing principles about
 9 conspiracies between public official and private persons. Justice Harlan stated:

10
 11 "Although this a lawsuit against a private party, not the state
 12 or one of its officials, our cases make clear that petitioner will
 13 have made out a violation of her Fourteenth Amendment rights
 14 and will be entitled to relief under 1983 if she can prove that a
 15 Kress employee, in the course of employment and a Hattiesburg
 16 policeman somehow reached an understanding to deny Miss
 17 Adickes service in the store, or to cause her subsequent arrest
 18 because she was a white person in the company of Negroes."
 19 398 U.S. at 152-153.

20 Mr. Justice Black, concurring in the judgment, stated:

21 "The existence or non-existence of a conspiracy is essentially
 22 a factual issue that the jury, not the trial judge, should decide."
 23 398 U.S. at 176.

24 CONCLUSION AND PRAYER

25 Plaintiff certainly wants the trial before the jury. Plaintiff wants Randhawas to
 26 answer some vital questions about the horrific scheme to destroy plaintiff's hard earned
 27 license, reputation and means of making a living. Randhawas are afraid that now the
 28 truth has come out and Ms. Murray and company are not there to defend them. Plaintiff
 wants this case to be decided on merits They don't want to face the truth and have chosen
 not to respond. Plaintiff respectfully requests this Court to GRANT plaintiff's Motion

1 for Entry of Default against complainants who have brazenly defied ALL notices from
 2 the court. Not to do so would have a very chilling effect on the entire public with a
 3 message that, "Yes sir, you can disregard any summons, any notices from the United
 4 States Courts if you have a sympathetic judge. Even if the judge knows and agrees that
 5 you have committed OBVIOUS perjury under the laws of the State and have
 6 CONSPIRED with a state or public official to deprive a citizen of his constitutional rights
 7 under the color of state laws, the judge would get you off on his own motion by clever
 8 legal theories."

9 It is respectfully requested that the Court should disregard Judge Chen's
 10 recommendations for want of actionable claims as it is well settled that a complaint should
 11 be dismissed ONLY for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6)
 12 where it appears **beyond doubt** that the Plaintiff can prove no set of facts in support of his claim,
 13 which would entitle him to relief. *Terracom v. Valley National Bank*, 49 F.3d 555, 558 (9th Cir.
 14 1995) (quoting *Conley v. Gibson*, 355 U.S. 41, 45- 46, 2 L.Ed. 2d 80, 78 S.Ct. 99 (1957)). Here
 15 plaintiff has clearly alleged that Randhawas conspired with State Bar defendants to deprive him
 16 of his constitutional rights. There is ample attested, authenticated and notarized documentation
 17 which clearly points out the conspiracy. Furthermore, allegations of fact in the complaint must
 18 be taken as true and construed in a light most favorable to a non-moving party. *Symington*, 51
 19 F.3d at 1484. Judge Chen, himself agrees that "Mr. Khanna's allegations must be accepted as
 true." See *Recommendations*, page 4, Lines 26, 27.

20 Plaintiff's primary concern is to clear this horrible stigma of being a 'dishonest man.'
 21 Plaintiff in his seventy years has never ever been regarded as a dishonest or unlikeable person.
 22 For over twenty five years he has practiced project finance and has excelled in his legal field. He
 23 has provided excellent legal services to all his clients. He has been hired as consultant and
 24 advisor on international project finance matters by reputable firms like Gibson, Dunn and
 25 Crutcher; White & Case; Gray Cary; Akin Gump Straus et.al. He wanted to help this couple
 26 because they could not speak English well and spoke plaintiff's mother tongue. Plaintiff does
 27 not practice criminal law yet he helped this couple because of their language difficulty. Plaintiff
 28 provided extraordinary legal services to these clients and is still owed over \$19,000 as fees.

1 Randhawas took advantage of the good and trustworthy nature of plaintiff. His only brush with
 2 the law has been a speeding ticket, long time ago, for driving at 40 M.P.H. in a 35 M.P.H. zone.

3 Judge Chen has suggested that a judgment of approximately \$740,000 would be too much
 4 of a burden on complainants. Though this team of husband and wife owns real estate properties,
 5 houses, in this state and agricultural land and real property in India, plaintiff would be satisfied if
 6 the monetary judgment is reduced to mere \$150,000 which is very affordable as it would pay for
 7 the litigation expenses incurred by plaintiff for the past five years. Plaintiff will accept whatever
 8 this Honorable Court decided to be the fair compensation. It must be pointed out to the Court
 9 that the Supreme Court has allowed even punitive damages in section 1983 cases. See *Smith v.*
 10 *Wade*, 461 U.S. 30. There the court stated:

11 "The large majority of state and lower federal courts were in agreement that
 12 punitive damages awards did not require a showing of actual malicious intent;
 13 they permitted punitive awards on variously stated standards of negligence,
 14 recklessness, or other culpable conduct short of actual malicious intent.

15 The same rule applies today. The Restatement (Second) of Torts (1979), for
 16 example, states: "Punitive damages may be awarded for conduct that is
 17 outrageous, because of the defendant's evil motive or his reckless indifference to
 18 the rights of others." 908(2) (emphasis added); see also *id.*, Comment b." Id 461
 19 U.S. at 46-47

20
 21 Because of these false, intentional inflictions of harm and collusions with the State Bar
 22 prosecutors 'under the color of state law, plaintiff has NOT been able to make a living for five
 23 years.

24
 25 *Respectfully Submitted*

26 Dated this 14th day of December, 2007


 27 PADAM KUMAR KHANNA
 28 *Pro Se*

29 2600 Tenth Street, Suite 407
 30 Berkeley, CA. 94710

31 Tel: 1-510-549-2786
 32 Fax: 1-510-549-2832
 33 EMail: pkhanna@pacbell.net

CERTIFICATE OF SERVICE

1 STATE OF CALIFORNIA)
2) ss **CASE NO: C-07-2587 EMC**
3 COUNTY OF ALAMEDA)
4

5 I, John Napiza, declare under penalty of perjury that the foregoing is true and correct. That I am
6 over the age of 18 and not a party to the within action. I am a process server and my business
7 address is: 414 Pendleton Way, Suite #2, Oakland, CA 94621.

8 On 12/11/2007, I served the foregoing document described as the following on the parties:

9 **REPORT AND RECOMMENDATION RE PLAINTIFF'S MOTION FOR DEFAULT**
10 **JUDGMENT(Docket Nos.4-5), CERTIFICATE OF SERVICE;**

11 in this action by placing a copy thereof enclosed in the sealed envelope addressed as follows:

12 JAGJIT SINGH RANDHAWA
13 280 Sparrow Drive
14 Hercules, CA 94547

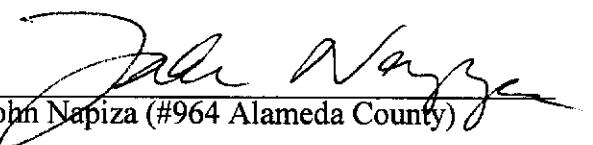
15 BALJIT RANDHAWA
16 280 Sparrow Drive
17 Hercules, CA 94547

18 **[X] (BY CERTIFIED MAILING)** On 12/11/2007 from Oakland, CA, I enclosed a copy in an
19 envelope and deposited the sealed envelope with the United States Postal Service Office by
20 certified mailing, with postage fully pre-paid addressed above.

21 I declare under penalty of perjury under the laws of the State of California that the forgoing is
22 true and correct.

23 Executed at Oakland, California on 12/11/2007.

24
25
26
27
28
John Napiza (#964 Alameda County)



U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

SPECIAL USE

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07
				Postmark
				Date
				12/11/2007
				USPS

0810	0005	1546	8991	0007
				07

EXHIBIT A

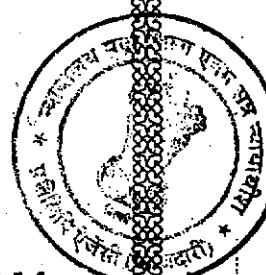
**Certificate of Incorporation
Of the Indian Company AFL**

ANNEXURE NO. 1



प्राची भारत
Form I.B.

नियमित का प्रमाण-पत्र



CERTIFICATE OF INCORPORATION

ता. वा.
No. 01-14978 of 19. 92-93

मेरे हस्ताक्षर से आज ता. वा. दिया गया।

कमानी अधिनियम, 1956 (1956 का 1) के अधीन निर्मित की गई है भीर यह
कमानी प्रांतसमिति है।

I hereby certify that AMERINDIA FOODS LIMITED

is this day incorporated under the Companies Act, 1956 (No.1 of 1956) and that the
Company is limited.

मेरे हस्ताक्षर से आज ता. वा. दिया गया।

HYDERABAD 30th

Given under my hand at this,
day of October One thousand nine hundred and Ninety two.

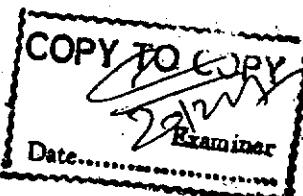
(8th Kartika 1914 saka)



STATE REGISTRATION
FEE PAID
EXAMINER

P. Rama Rao
(P. RAMA RAO)
कम्पनीज रजिस्टर
ASST. Registrar of Companies
Andhra Pradesh.

ANNEXURE NO. 1



22/10/92
VIJAY DATTA
Sub Divisional Magistrate
Rajouri Garden,
Old Middle School C.R.C.
Ram Pura, Delhi-110096.

EXHIBIT B

**Certificate of Commencement of Business
Of the Indian Company AFL**

ANNEXURE No. 2

- 18 -

Co. No. 01-14978



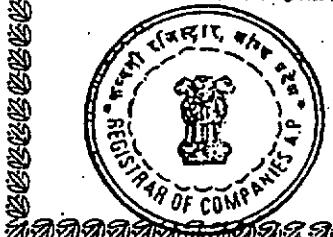
Certificate for Commencement of Business

Pursuant of Section 149 (3) of the Companies Act, 1956.

I hereby certify that the AMERINDIA FOODS LIMITED

which was incorporated under the Companies Act, 1956, on the 30th
 day of October 1992 and which has this day filed a duly verified
 declaration in this prescribed form that the conditions of section 149 (1) (a) to
 (d)/149(2)(a) to (c) of the said Act, have been complied with is entitled to
 commence business.

Given under my hand at Hyderabad
 this Third day of March One thousand nine
hundred and Ninety four.



W. R. Sridharan
 (W. R. SRIDHARAN)
 Registrar of Companies
 ANDHRA PRADESH: HYDERABAD

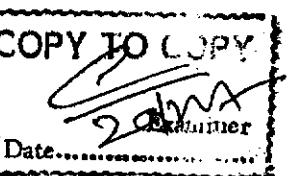
J.S.C.-10

RJ
Copy having

ANNEXURE '2'

ANNEXURE No. 2

*C/S 800
 24/1/67*



VIJAY DATTA
 Sub Divisional Magistrate
 Rajouri Garden,
 Old Middle School Complex,
 Ram Pura, Delhi-110035.

EXHIBIT C

**PHOTOCOPY OF THE SHARE CERTIFICATE
IN THE NAME OF JAGJIT SINGH RANDHAWA**

Certificate No. 8
AMERICAN FOODS LIMITED

No. of Shares... 50,000
Share Ledger Folio... 32

SHARE CERTIFICATE
AMERICAN FOODS LIMITED

(Incorporated under the Indian Companies Act, 1956)
Authorised Capital Rs. 10,00,000/-
Divided into 1,00,000 Shares of Rs. 1/- each

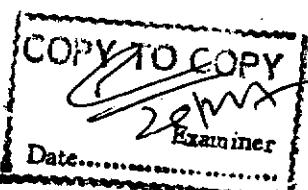
This is to Certify that Rajit Singh Pantharkar is the Registered holder of 50,000 Shares of Rupees 1/- each numbered from 71..... to 50,000..... both inclusive in the above named Company subject to the provisions of the Memorandum and Articles of Association thereof & upon which calls have been made as per endorsement on reverse.

Given under the common Seal of the said company this 13th day of May 2003

For Amerindia Foods Limited

Authorised Signatory
Director
Managing Director
Subhash Kumar

STOCK CERTIFICATE
No. 4



8/21/07
ds

VIJAY DATTA
Sub Divisional Manager
Rajouri Garden
Old Midda School Compound
Ram Pura, Delhi-110039

EXHIBIT D

**BANK RECEIPT INDICATING THAT JAGJIT
RANDHAWA'S MONEY WAS
RECEIVED WITHIN ONE MONTH
OF DEPOSIT IN MR. KHANNA'S ACCOUNT**

01108

यूनियन बैंक ऑफ इंडिया
UNION BANK OF INDIA
गांधीनगर-422001 (महाराष्ट्र)
Nashik City-422001 (Maharashtra)

53 238

21

NO. 1

30-12-1996

Pay to AMERINDIA FOODS LTD. द्वाधारक को or Bearer

रुपये Rupees Five Lacs only

रु. Rs. 5,00,000

अदा करें

N.R.E.
चंचल देक्क साता नं. S.B. AC No. 12 457

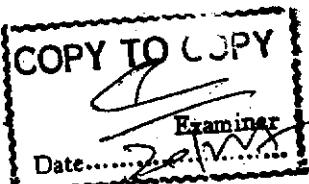
CB 2000
10.12.1996

FOR THE A/C OF
SHRI JAGJIT SINGH RANDHAWA
D.F.

ATTN. SHRI S. BHATIA
D.F.

ANNEXURE No. 5

*By
Examiner*



24/12/07
Vijay Batta
Sub Divisional Magistrate
Rajouri Garden
Old Middle School Complex
Ram Pura, Delhi-110035.